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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,199	08/27/2003	Yuan-Fen Chung	BHT-3092-384	3471

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BRUCE H. TROXELL
SUITE 1404
5205 LEESBURG PIKE
FALLS CHURCH, VA 22041

EXAMINER	
HAQ, NAEEM U	
ART UNIT	**PAPER NUMBER**
3625	

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/648,199	CHUNG, YUAN-FEN	
	Examiner	Art Unit	
	Naeem Haq	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is in response to the amendment filed on July 24, 2006. Claims 1-8 have been canceled. New claims 9-17 have been entered and will be considered for examination.

Applicant's amendments are sufficient to overcome the rejections under 35 USC 112, second paragraph and 35 USC 101 given in the previous Office Action. These rejections are withdrawn.

Priority

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Specification

The amendment filed July 24, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Claim 9 recites the limitation "...a summation of the ingredient percentage for all of the desired

ingredients must equal 100 percent." This limitation is not supported by the original disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> **The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.**

Claims 9-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 9 recites the limitation "...a summation of the ingredient percentage for all of the desired ingredients must equal 100 percent." This limitation lacks written description support because the original disclosure teaches against this limitation (See e.g. tables on pages 4 and 7).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9-12, 14, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Froseth et al. (US 2002/0004749 A1) ("Froseth") in view of

Shively et al. (US 2002/0167686 A1) ("Shively") and further in view Verdura et al. (2005/0055181 A1) ("Verdura").

Referring to claims 9 and 15: Froseth teaches a method of placing an order for a product, which comprises the steps of: performing a logon procedure connecting a purchaser to a website through an Internet (*paragraph [0108], lines 1-8; paragraph [0109], lines 1-7; paragraphs [0160], [0161], and [0170]*); performing an order placement procedure for a purchase order (*Abstract, lines 1-2; paragraph [0011], lines 1-2; paragraph [0140]*) including the steps of: opening a web page of the website and selecting a desired purchase item (*paragraph [0086], lines 1-15; paragraph [0110]*); opening a list of ingredients including an ingredient price for each of the list of ingredients for the desired purchase item (*paragraph [0117]; paragraph [0119], lines 1-5; paragraph [0121], lines 10-20; paragraph [0252], lines 11-14*); selecting desired ingredients from the list of ingredients and specifying an ingredient percentage for each of the desired ingredients, the desired ingredients and the ingredient percentage is selected by the purchaser (*paragraphs [0013], [0015], [0117], [0142], [0143], and paragraph [0244], lines 1-12*); calculating a desired purchase item price for the desired purchase item for confirmation by the purchaser by the web page (*paragraph [0252] and [0253]*); the purchaser confirming the desired purchase item price (*paragraphs [0251], [0254], and [0255]; Figure 17, "1712"*); performing a package confirmation procedure including the steps of: opening a packaging web page listing a plurality of packaging styles, a plurality of packaging patterns, and associated prices (*paragraphs [0014], [0016], [0129], [0194], [0273]*); selecting a desired packaging configuration from the plurality of packaging styles and the plurality of packaging patterns, the desired packaging

configuration is selected by the purchaser (*paragraphs [0014], [0016], [0129], [0194], [0273]*); the purchaser confirming the desired packaging price (*paragraph [0252], lines 7-8*); performing a billing procedure including the purchaser confirming a purchase quantity and a payment method, and ending the purchase order (*paragraphs [0251], [0254], and [0255]; Figure 17, "1712"*). Regarding the limitation "...a summation of the ingredient percentage for all of the desired ingredients must equal 100 percent" in lines 14-16, this limitation is inherent in the disclosure of Froseth because if the summation did not equal 100 percent then the customization process would be incomplete and the user would not be able to place an order. Froseth does not teach that the desired purchase item price is based on the ingredient price and the ingredient percentage of each of the desired ingredients. However, Shively teaches calculating a total cost wherein the total cost is based on the cost of a constituent (i.e. ingredient price) and the percentage of each constituent (claims 28 and 29). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Shively into method of Froseth. One of ordinary skill in the art would have been motivated to do so in order to base the total price of the item on the constituent price and the percentage of each constituent, as taught by Shively. The cited prior art does not teach calculating a desired packaging price for the desired packaging configuration for confirmation by the purchaser, the desired packaging price is based on the associated prices for each of the plurality of packaging styles and the plurality of packaging patterns of the desired packaging configuration selected by the purchaser. However, Verdura teaches a method for determining a packaging design for a container

wherein the package price is based on the associated prices for each of the plurality of packaging styles and the plurality of packaging patterns of the desired packaging configuration (Figure 2, "32"; Figure 2A, "28" and "29"; Figure 23, "250" and "252"; paragraph [0033], [0080], and [0111]). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Verdura into the cited prior art. One of ordinary skill in the art would have been motivated to do so in order to determine an optimal packaging design for a container to reduce or minimize transportation costs, as taught by Verdura, (*paragraph [0006]*).

Referring to claim 10: The cited prior art teaches or suggests all the limitations of claim 9 as noted above. Furthermore, Froseth teaches requiring the purchaser to provide predetermined personal information for a first time purchase (*paragraphs [0160] and [0161]*).

Referring to claim 11: The cited prior art teaches or suggests all the limitations of claim 9 as noted above. Furthermore, Froseth teaches a logon procedure requiring a password to logon (*paragraph [0160]*).

Referring to claim 12: The cited prior art teaches or suggests all the limitations of claim 9 as noted above. Furthermore, Froseth teaches the order placement procedure returns to a previous screen when the desired purchase item price is not confirmed by the purchaser (*paragraph [0253]*).

Referring to claim 14: The cited prior art teaches or suggests all the limitations of claim 9 as noted above. The cited prior art does not explicitly disclose a first web page for the plurality of packaging styles and at least a second web page for the plurality of

packaging patterns. However, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to have a first and second web page with different content. Applicant has not disclosed that having two distinct web pages provides an advantage, is used for a particular purpose or solves a stated problem. Furthermore, one of ordinary skill in the art would have expected Applicants' invention to perform equally well with a single web page because the number of distinct web pages does not impact the steps of the method. Therefore, it would have been obvious to one of ordinary skill in this art to modify the cited prior art to obtain the invention as specified in the claims.

Referring to claim 16: The cited prior art teaches or suggests all the limitations of claim 9 as noted above. Furthermore, Froseth teaches returning to a previous screen when the desired packaging price is not confirmed by the purchaser (*paragraph [0253]*).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Froseth et al. (US 2002/0004749 A1) ("Froseth") in view of Shively et al. (US 2002/0167686 A1) ("Shively") and further in view Verdura et al. (2005/0055181 A1) ("Verdura") and Henson (US 6,167,383).

Referring to claim 17: The cited prior art teaches or suggests all the limitations of claim 9 as noted above. Furthermore, Froseth teaches the purchaser confirming total price (*Figure 17*). The cited prior art does not teach that the purchaser confirms the delivery date and transportation method. However, Henson teaches this limitation (*Figure 9, "120"*). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Henson into the

cited prior art. One of ordinary skill in the art would have been motivated to do so in order to allow a user to select the delivery date and transportation method.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Naeem Haq, Primary Examiner
Art Unit 3625

October 14, 2006